

# Notice of Allowability

Application No.

10/783,869

Examiner

Leslie J. Evanisko

Applicant(s)

SHERF, GREGORY A.

Art Unit

2854

one

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 02/18/05 and the interview on 04/07/05.
2. ☒ The allowed claim(s) is/are 1,4-10 and 12-20.
3. ☒ The drawings filed on 02/18/05 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20050407.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mitchell Weinstein (reg. no. 37,963) on April 7, 2005.

The application has been amended as follows:

IN THE CLAIMS:

In claim 1, line 8, the phrase --being mounted to the head which is-- was inserted before "rotatable" and the term --180 degrees-- was inserted after "rotatable".

In claim 10, line 9, the phrase --in a non-parallel manner relative to one another,-- was inserted after "reciprocate".

Claim 11 has been canceled.

The above changes to the claims were made to better distinguish over the teachings of two Japanese references, JP 59-202856 and JP-278226, newly found by the Examiner. Claim 1 was amended to include the subject matter of claim 11, which was thereby canceled, and claim 10 was amended to more particularly point out that the reciprocation movements of the two pad assemblies are in non-parallel directions relative to one another.

2. The following is an examiner's statement of reasons for allowance:

With respect to claim 1 in particular, the prior art of record fails to teach or fairly suggest a rotary head pad printer having all of the structure as recited, in combination with and particularly including, the pad assemblies being mounted to the head which is rotatable 180 degrees about an axis between a first rotational position and a second rotational position, and wherein the first and second rotational positions are non-parallel to one another.

With respect to claim 10 in particular, the prior art of record fails to teach or fairly suggest a rotary head pad printer comprising all of the structure as recited, in combination with and particularly including, the assemblies reciprocating in a non-parallel manner relative to one another.

With respect to claims 5, 12, and 19 in particular, note the previous comments set forth in the Office Action dated November 16, 2004 regarding the reasons for indicating allowable subject matter.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone

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number is **(571) 272-2161**. The examiner can normally be reached on M-Th  
7:30 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the  
examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168.  
The fax phone number for the organization where this application or  
proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from  
the Patent Application Information Retrieval (PAIR) system. Status information  
for published applications may be obtained from either Private PAIR or Public  
PAIR. Status information for unpublished applications is available through  
Private PAIR only. For more information about the PAIR system, see  
<http://pair-direct.uspto.gov>. Should you have questions on access to the  
Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-  
9197 (toll-free).

  
Leslie J. Evanisko  
Primary Examiner  
Art Unit 2854

lje  
April 7, 2005